

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Environmental Health Trust,	)	
Petitioners for Safe Cell Phones,	)	
Elizabeth Barris, and Theodora Scarato,	)	No. 20-1025
Petitioners	)	
	)	
v.	)	On Petition for Review of an Order of
	)	the Federal Communications
Federal Communications Commission	)	Commission
and United States of America	)	

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Children’s Health Defense,	)	
Michele Hertz, Petra Brokken,	)	
Dr. David O. Carpenter, Dr. Paul Dart,	)	No. 20-1138
Dr. Toril H. Jelter, Dr. Ann Lee,	)	(Consolidated)
Virginia Farver, Jennifer Baran,	)	
Paul Stanley, M.Ed.	)	
Petitioners	)	On Petition for Review of an Order of
	)	the Federal Communications
v.	)	Commission
	)	
Federal Communications Commission	)	
and United States of America	)	

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**PETITIONERS’ JOINT MOTION WITH RESPONDENTS’ CONSENT TO  
FILE SUPPLEMENT TO DEFERRED JOINT APPENDIX**

All Petitioners in the above-captioned cases jointly submit this Motion for Leave to File a Supplement to the Deferred Joint Appendix in Case Nos. 20-1025 and 20-1138. Respondents United States of America and the Federal Communications Commission (collectively “FCC”) consent.

The Deferred Joint Appendix was timely filed on November 4, 2020. All Final Briefs were timely filed by November 12, 2020. When Petitioners were preparing their Joint Final Brief, they identified four documents referenced in the briefs but inadvertently not included in the previously filed Deferred Joint Appendix. They promptly advised the Respondents and obtained consent for the submission of a Supplemental Joint Appendix pursuant to Circuit Rule 30(e). Petitioners prepared and electronically submitted the Supplemental Joint Appendix (Supplement – Volume 27) containing the four missing documents on November 13, 2020 (Doc #1871050), along with a cover letter. The paper copies have been made and are in transit to the Court. Petitioners' Final Brief citations included references to the materials in the Supplemental Joint Appendix.

Petitioners mistakenly believed a formal motion for leave to file was not necessary under Federal Rules of Appellate Procedure and D.C. Circuit Rule 30(e) and they could proceed by letter request. They therefore addressed the issue through a cover letter that was filed simultaneously with the electronic filing. Petitioners now understand a formal motion is necessary, and hereby move for leave to file, and for the Court to accept, the Supplemental Joint Appendix (Supplement – Volume 27) that was electronically submitted on November 13 (Doc #1871050).

Petitioners are authorized to state that, following consultations, Respondents have consented to this Motion.

Respectfully Submitted

/s/ Edward B. Myers

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November 20, 2020

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### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing Motion for Leave to File a Supplement to the Deferred Joint Appendix complies with the formatting and type-volume restrictions of the rules of the U.S. Court of Appeals for the District of Columbia Circuit. The motion was prepared in 14-point, double spaced, Times New Roman font, using the current version of Microsoft Word, in accordance with Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6). The motion contains 263 words and therefore complies with Fed. R. App. P. 27(d)(2)(A).

/s/ W. Scott McCollough

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2020, I electronically filed the forgoing document with the Court by using the CM/ECF system. All parties to the case have been served through the CM/ECF system.

/s/ W. Scott McCollough